

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ROOCHI TRADERS INCORPORATED,

*Plaintiff,*

-against-

TIP TOP TEES INC., GLAMOUR LINE INC.,  
GLAMOUR (USA), INC., ALPHA  
MERCHANDISING CORP., ROSE DEAL,  
INC., HARYASH PAUL, MOHAMMED  
RAHMAN, MOHAMMED FAROQUE, JOHN  
DOES 1-10, JANE DOES 1-10, and XYZ  
COMPANIES 1-10,

*Defendants.*

CIVIL ACTION NO. 08-cv-3544 (WHP)

**DECLARATION OF MIMI K. RUPP**

I, Mimi K. Rupp, hereby declare as follows:

1. I am an attorney licensed to practice law in the State of New York and before the bars of the Southern and Eastern Districts of New York. I am an associate of the law firm of Kenyon & Kenyon LLP and counsel to Roochi Traders Incorporated ("Roochi" or "Plaintiff").

2. The facts stated herein are based on my personal knowledge or information conveyed to me by others that I believe to be true. If called to testify regarding the same, I could do so competently.

3. Pursuant to the Court's April 11, 2008 Order (the "Order"), Plaintiff's counsel served the Order on J.P. Morgan Chase Bank ("Chase") on April 18, 2008, among other banks listed in Mr. Paul's records which were seized on April 17, 2008. Based on Plaintiff's counsel

telephone conversation with a representative of Chase, the following accounts were no longer in existence after April 18, 2008:

- Four deposit record books for Glamour Line, Inc. (Chase Acct. ending in 7977)
- Four deposit record books for Tip Top Tees, Inc. (Chase Acct. ending in 2215)
- Savings account book for Chase Acct. ending in 7061
- Check book for Glamour Line, Inc. (Chase Acct. ending in 7977, Checks 1004-1150)

Plaintiff's counsel was only able to restrain one of several bank accounts linked to Mr. Paul.

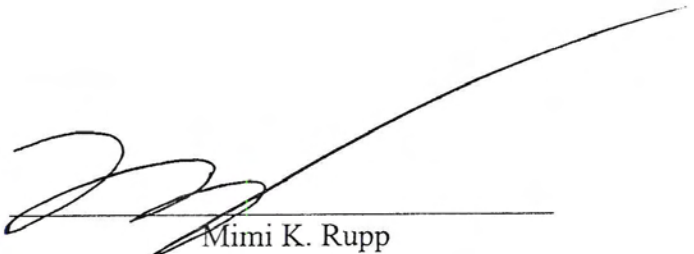
5. A true and correct copy of a prior judgment against Defendant for selling infringing t-shirts is attached hereto as Exhibit 1.

6. True and correct copies of photographs of the Rose Deal boxes, containing the Counterfeit Products, seized at Tip Top Tees' 10 West 28th Street location are attached hereto as Exhibit 2.

7. Plaintiff has put forth its reasonable best efforts in maintaining the original quality of any and all items seized. Although pursuant to the Order Plaintiff has until May 1, 2008 to return the seized items, Plaintiff has returned most of the seized items, with the exception of the Counterfeit Products and boxes and computer, on April 24, 2008. A true and correct copy of the countersigned letter from Paul-Defendant is attached as Exhibit 3. Plaintiff's counsel is scheduled to return Mr. Paul's computer today at 4 p.m.

I declare under penalty of perjury that the foregoing is true and correct to the best of my information and belief.

Executed on this 30th day of April.



Mimi K. Rupp

## **EXHIBIT 1**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----x  
HARVIC INTERNATIONAL, LTD.,

Plaintiff, Index No. 0338/05(CSH)

- against -

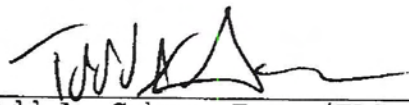
**NOTICE OF ENTRY  
AND ORDER**

GLAMOUR LINE INC.,

Defendant.  
-----x

**PLEASE TAKE NOTICE** that the within is a true copy of a Decision and Order duly entered in the office of the Clerk of the within named Court on March 22, 2005.

Dated: Cedarhurst, New York  
March 24, 2005

  
\_\_\_\_\_  
Todd A. Gabor, Esq. (TAG1232)  
Attorney for Plaintiff  
132 Spruce Street  
Cedarhurst, New York 11516  
(516) 295-2070

To: Glamour Line Inc.  
Defendant  
108-46 63rd Avenue  
Forest Hills, New York 11375

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

HARVIC INTERNATIONAL LTD.,

Plaintiff,

- against -

GLAMOUR LINE INC.,

Defendant.

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 3/24/05

2005 Civ. 0338 (CSH) (JF)

ECF  
DEFAULT JUDGMENT

----- -x

This action having commenced on January 13, 2005 by the filing of the Summons and Complaint, and a copy of the Summons and Complaint having been served on the defendant by Secretary of State service on Glamour Line Inc., a New York corporation, by delivering to and leaving a true copy of the Summons and Complaint with Norah Radler, an Authorized Agent in the Office of the Secretary of State, of the State of New York, personally at the Office of the Secretary of State on January 28, 2005 pursuant to 306 of the Business Corporation Law, and a proof having been filed on 3/21/05 and the defendant not having answered the Complaint, and the time for answering the Complaint having expired, it is

ORDERED, ADJUDGED AND DECREED: that the defendant, their officers, directors, principals, servants, agents, employees, successors and assigns and all those persons in active concert or participation with it or them are hereby permanently enjoined from the following acts:

A. Using the GALAXY BY HARVIC trademark either alone or in any combination including GALAXY, GALAXY-TEES, or any



marks similar thereto in connection with the sale of any unauthorized goods;

B. Using any logo, term, name, symbol, or device or any combination thereof, or any false designation of origin, false or misleading description of fact, or false or misleading representation of fact which is likely to cause confusion, or to cause to mistake, or to deceive as to the affiliation, connection or association of Defendant with Harvic International Ltd. ("Harvic"), or as to the origin, sponsorship or approval of defendant's goods or commercial activities, by Harvic;

C. Infringing the GALAXY BY HARVIC trademark;

D. Falsely representing themselves as being connected with Harvic or sponsored by or associated with Harvic or engaging in any act which is likely to falsely cause the trade, retailers, and/or member of the purchasing public to believe that the Defendant is associated with Harvic;

E. Using any reproduction, counterfeit, copy of colorable imitation of the GALAXY BY HARVIC trademark, including GALAXY, GALAXY-TEES, or its like in connection with the sale, offering for sale, distribution or advertising of any goods or services on or in connection with which such use is likely to cause confusion or to cause mistake, or to deceive;

F. Reproducing, counterfeiting, copying or colorably imitating the GALAXY BY HARVIC trademark, including GALAXY, GALAXY-TEES, or its like and applying such reproduction,

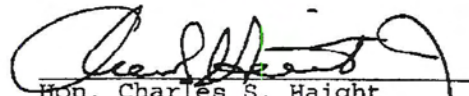
counterfeit, copy or colorable imitation to labels, signs, prints, packages, wrappers, receptacles, or advertisements intended to be used in commerce upon or in connection with the sale, offering for sale, distribution or advertising of goods or services on or in connection with which such use is likely to cause confusion or to cause mistake or to deceive;

G. Diluting the distinctive quality of the GALAXY BY HARVIC trademark; and

H. Otherwise unfairly competing with Harvic.

New York, New York  
March 22, 2005

CSH  
22

  
Hon. Charles S. Haight  
United States District Court

STATE OF NEW YORK )  
 ) ss.:  
COUNTY OF NASSAU )

TODD A. GABOR, an attorney duly admitted to practice law in the Courts of the State of New York, affirms under penalties of perjury that I maintain offices at 132 Spruce Street, Cedarhurst, New York.

That on March 24, 2005, I served a copy of the within copy of Order and Notice of Entry by depositing same in an official depository under the exclusive care and custody of the United States Post Office department within the State of New York, designated for that purpose addressed to:

Glamour Line Inc.  
108-46 63rd Avenue  
Forest Hills, New York 11375

  
TODD A. GABOR

Dated: Cedarhurst, New York  
March 24, 2005



## **EXHIBIT 2**



ROSE DEAL BOX

## **EXHIBIT 3**



Mimi K. Rupp  
Direct 212.908.6202  
mrupp@kenyon.com

One Broadway  
New York, NY 10004-1007  
212.425.7200  
Fax 212.425.5288

April 24, 2008

**By Hand**

James Montgomery, Esq.  
The Law Offices of James Montgomery, Esq.  
267 Fifth Avenue, Suite 601  
New York, New York 10016

Re: *Roochi Traders Incorporated v. Tip Top Tees Inc. et al.*  
Civil Action No. 08-CV-3544 (S.D.N.Y.)

Dear Mr. Montgomery:

Pursuant to an Order in the above-captioned matter, we effected a seizure of relevant goods and documents on April 17, 2008, at the business addresses for Alpha Merchandising Corp., Tip Top Tees, Inc., and Glamour Line, Inc., at 10 W. 28th Street, New York, New York, and 1220 Broadway, New York, New York. (See Attachment A for the Order.)

Evidence Voucher Receipts were provided to you, indicating that certain items described were seized during the course of an inspection and seizure pursuant to the Order. (See Attachment B for the Receipts.)

Pursuant to the Order (see Attachment A, page 7), Plaintiff must copy any records and return such copies within ten business days. In a good faith attempt to comply with the Order and to ease any financial burden resulting from the seizure of such records, Plaintiff hereby returns all bank books and check books seized from both locations stated above. Plaintiff also releases any remaining records and documents. Barring any unforeseen circumstances, Plaintiff will return any other property such as non-counterfeit products and the personal computer within the specified time frame. Enclosed please find the following:



James Montgomery, Esq.  
April 24, 2008  
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**From the 1220 Broadway Location:**

Entry 1: Financial Data

- Notice of Acceptance as an S-Corporation (1/4/04)
- Glamour Line, Inc. Income tax preparation (9/1/99-8/31/00)
- Glamour Line, Inc. Income tax preparation (9/1/00-8/31/01)
- Glamour Line, Inc. Income tax preparation (9/1/02-8/31/03)
- Glamour Line, Inc. Income tax preparation (9/1/03-12/31/03)
- Glamour Line, Inc. Income tax preparation (2005)
- Glamour Line, Inc. Income tax preparation (2006)
- Notices of Tax Due; Notices and Demands for Payment Due; Notice of Tax Warrant Judgment; Notice of Judgment Debtor; Notices of Collection Proceedings; Satisfaction of Judgment; Warrant
- IRS Installment Agreement
- Wire transfer information for Alpha Merchandising to Knittex Apparel

Entry 2: Lease Agreement

- Security Surveillance System – SAFE Leasing for BMC
- Insurance Policy – Cornerstone Insurance (for BMC through Mr. Abrar; for AMC through Abrar)

Entries 3, 6: Purchase Orders, Shipping Orders

- Tip Top Tees Order Forms/Invoices
- Glamour Line Sales Invoices
- Company Expense Receipts
  - For AMC, BMC Sportswear, Abrar/Bobby, Suneco (attn: Mr. Aftab)
  - FedEx account information under Visa 4246 3151 2970 4944 (Abdul Quddoos, AMC)

Entries 4, 5: Bank Book, Check Book

- Check book for Alpha Merchandising Corp. (Chase Acct. 725723118, Checks 1001-1150)
  - Stubs for Checks 500-550
- Savings account book for Alpha Merchandising Corp. (Chase Acct. 2727998664)
- Statement activity for Chase “Business Classic (...6449)” for 3/14/2008-3/21/2008
- Financial Transaction Confirmation – funds transfer from BusClassic Ckg 2215 to BusClassic Ckg 6449

Entry 8: Phone Bills

- Alpha Merchandising Corp. Verizon Firm Rate Plus plan (866.778.2574; 212.684.2180)

James Montgomery, Esq.  
April 24, 2008  
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<b>From the 10 W. 28th St. Location:</b>
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Entry 1: Financial Data

- Chase Paymentech Business Card account information
- Chase accounts for Ravinder K. Chopra

Entry 2: Lease

- Yaali Leather lease at Roosevelt Field Mall, Garden City, NY
- Lease for 1220 Broadway location (2003-2004)

Entries 3, 6: Purchase Orders, Shipping Orders

- Notebooks
  - Glamour Lines Balance Sheets
  - Glamour Lines Orders
  - Tip Top Tees Receipt Book
- Spindle of Receipts
- Expenses/Payables (AMC, BMC Sports, Tip Top Tees, Glamour Line)
- New Gold Trucking Account
- Jitanu Services Inc. Statements

Entries 4, 5: Bank Book, Check Book

- Four deposit record books for Glamour Line, Inc. (Chase Acct. 748017977)
- Four deposit record books for Tip Top Tees, Inc. (Chase Acct. 738892215)
- Savings account book for Chase Acct. 2742347061
- Check book for Glamour Line, Inc. (Chase Acct. 748017977, Checks 1004-1150)

Entries 7, 9: Ledgers, All Data Pertinent to Business

- Company Records
  - BMC Sportswear, Inc. v. AMC and Paul Haryash action in Civil Court of the City of New York, County of New York: L&L Commercial Part Affidavit of Abrar Hussain (includes lease from BMC)
  - Glamour v. Verson documents
  - Alpha Merchandising Filing Receipt (Address for Process to Rajeev Kaul)
  - Bylaws, Stock Transfer Ledger, Articles of Incorporation

Entries 8: Phone Bills

- Verizon, ConEd, United Protective Alarm Systems bills

These items constitute entries 1-9 on the Evidence Voucher Receipt, with the exception of the "1 PC", as signed by Haryash Paul. Please inspect and confirm by countersignature that



James Montgomery, Esq.  
April 24, 2008  
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these records and documents are the records and documents described above.

Your countersignature and the attached photographs (*see* Attachment C) are evidence that Plaintiff has put forth its best efforts in maintaining the original condition of any records and documents seized.

Very truly yours,

Mimi K. Rupp

Signature

JAMES MONTGOMERY

Printed Name

4/24/08

Date

Enclosures